

Remarks

The Official Action rejects as anticipated claims 1-4, all of the pending claims, separately on #US 5,560,766 to Gundlach; #US 5,776,230 to Gundlach et al.; and #US 5,788,750 to Gundlach et al. These rejections are respectfully traversed.

It is well settled that the recitation of a range in the prior art does not constitute an anticipation of all combinations with the range. Attention is called to the MANUAL OF PATENT EXAMINING PROCEDURE, part II of Section 2131.03, **Anticipation of Ranges**, a pertinent part of which reads: "In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute." What constitutes a "sufficient specificity" is fact dependent."

Considering the references applied in this respect:

Gundlach '766 is cited in the first rejection for a disclosure of a range of a mixture 0.1 to 3.5 wt. % Acid Yellow 17 and 0.1 to 4 wt. % Direct Yellow 132. The claims of this application are to about 4% by weight Direct Yellow 132 in acid form and about 0.5% to about 1% by weight Acid Yellow 17 in acid form. Nothing in such general range in Gundlach '766 is specific to Direct Yellow 132 being at least about four times larger by weight. Clearly the range claimed is not found with specificity in Gundlach'766.

Gundlach '230 is cited in the second rejection for a disclosure of a list of several dyes including Acid Yellow 17 and Direct Yellow 32 and concludes with "and mixtures thereof." (col. 8, lines 48-49.)

The rejection applies from Gundlach '230 the statement: "The dye is present in the ink composition in any effective amount, typically from about 0.5 to about 15 percent by weight of the ink, preferably from about 0.5 to about 8 percent by weight of the ink,..." (col. 8, lines 49-52) as teaching a mixture of 0.5 to 8 wt. % Acid Yellow 17

and 0.5 to 8 wt. % Direct Yellow 132. Such an interpretation illustrates the very general nature of the range disclosed, and such a very general teaching could not meet the “sufficient specificity” standard discussed in the foregoing.

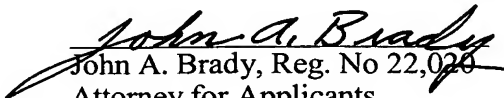
Gundlach ‘750 is cited in the third rejection for a very long list of dyes, beginning at column 6, line 51 and ending at column 7, line 57, followed by “as well as mixtures thereof.” (col. 7, lines 57-58). This list does include Acid Yellow 17 and Direct Yellow 132.

The rejection applies from Gundlach ‘750 the statement: “The dye is present in the ink composition in any effective amount, typically about 0.5 to about 15 percent by weight of the ink,…” (col. 7, lines 58-61) as teaching a mixture of 0.5 to 15 wt. % of Acid Yellow 17 and 0.5 to 15 wt. % Direct Yellow 132. Such an interpretation illustrates the very general nature of the range disclosed, and such a very general teaching could not meet the “sufficient specificity” standard discussed in the foregoing.

Accordingly, reconsideration in due course followed by allowance of claims 1-4, all of the pending claims, is respectfully requested.

Respectfully submitted,

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